



Atty. Dkt. No. 016778-0470

Applicant: Masataka ANDOH, et al.

Title: cDNA MICROARRAY DATA CORRECTION SYSTEM,
METHOD, PROGRAM, AND MEMORY MEDIUM

Appl. No.: 10/696,572

Filing Date: 10/30/2003

Examiner: Unknown

Art Unit: 1651

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The relevance of each document is cited in the present specification.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: July 1, 2004

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

By Phillip J. Artisols *Reg. No.*
38,819

for / David A. Blumenthal
Attorney for Applicant
Registration No. 26,257

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | |
|---|--|-------------------------------|----------------|
| Substitute for form 1449B/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: July 1, 2004 (use as many sheets as necessary) Sheet <u>1</u> of <u>1</u> | | Application Number | 10/696,572 |
| | | Filing Date | 10/30/2003 |
| | | First Named Inventor | Masataka ANDOH |
| | | Group Art Unit | 1651 |
| | | Examiner Name | Unknown |
| | | Attorney Docket Number | 016778-0470 |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | | | | | | |
| | | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|--|---|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | | | | | | | | |
| | | | | | | | | |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
|--------------------|-----------------------|--|----------------|
| | A1 | Y. CHEN et al., "Ratio-based Decisions and the Quantitative Analysis of cDNA Microarray Images," Journal of Biomedical Optics 2:4, 1997, pp. 364-374. | |
| | A2 | S. DUDOIT et al., "Statistical Methods for Identifying Differentially Expressed Genes in Repliated cDNA Microarray Experiments," Statistica Sinica Vol. 12, 2002, pp. 111-139. | |
| | A3 | M.T. LEE et al., "Importance of replication in microarray gene expression studies: Statistical methods and evidence from repetitive cDNA hybridizations," Proc. Of National Acad. Of Sciences, Vol. 97:18, 2000, pp. 9834-9839. | |
| | A4 | M.A. NEWTON et al., "On Differential Variability of Expression Ratios: Improving Statistical Inference about Gene Expression Changes from Microarray Data," J. of Computational Biology, 8:1, 2001, pp. 37-52. | |
| | A5 | J. SCHUCHHARDT et al., "Normalization strategies for cDNA microarrays," Nucleic Acids Research, 28:10, 2002, pp. i-v. | |
| | A6 | Y.H. YANG et al., "Normalization for cDNA microarray data: a robust composite method addressing single and multiple slide systematic variation, Nucleic Acids Research, 30:4, 2002, pp. 1-10/ | |
| | | | |
| | | | |
| | | | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.